

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARIA RODRIGUEZ)	
)	
_____)	CASE NO.
)	2021-00257
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Maria Rodriguez (Ms. Rodriguez) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

¹ KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Ms. Rodriguez for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Ms. Rodriguez violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Ms. Rodriguez shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

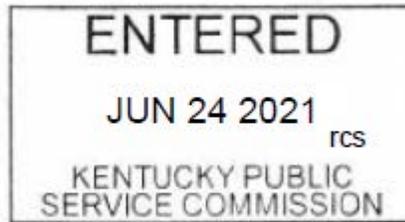
2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32432 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Ms. Rodriguez once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to read "Linda C. Bidwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00257 DATED JUN 24 2021

TWENTY-SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout Incident Date 1/28/2020 11:57:00 AM	Incident ID 32432 Report Submitted 2/18/2020 10:38:50 AM
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OPERATOR INFORMATION

Operator Louisville Gas and Electric Company (LG&E) Phone (502) 364-8281 Incident Location 4816 Westside Dr. Louisville, KY 40219 Jefferson	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number NA
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EXCAVATOR INFORMATION

Name of Excavator Rodriguez, Valence Phone 502-541-8184 Excavator Address 4816 Westside Dr. Louisville, KY 40219	Organization ID Email Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator/Homeowner damaged an unmarked ½ inch gas service driving a fence stake and failed to contact the Protection Notification Center (811). The Operator indicates that Maria Rodriguez called 811 after the damage, Ms. Rodriguez was not present at the time of the repairs, but contact was made with her husband Mr. Rodriguez.

The Damage Report is include as Attachment 1.

Excavation Summary

Excavation Within 18" (Approximate Location)	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Unmarked	Non-mechanized / Driving a stake	\$1,012.00	\$0.00

INVESTIGATION

On 10/29/20 the Operator, LG&E's Mike Jones, provide two photographs indicating the damage was caused by wooden stakes, with the gas service depth below six inches, approximately 18 inches deep.

Mr. Jones's photographs are include as Attachment 2.

On 10/29/20 an attempt to contact the Homeowner resulted in a message stating you have reached 502-541-8184 wherein a message was left.

On 11/04/20 an attempt to contact the Excavator at 502-541-8184 resulted in speaking with Juan Ramirez, Ramirez Drywall. Mr. Ramirez stated that, Valence Rodriguez works for him on occasion. Mr. Ramirez stated that Ramirez Drywall installed drywall at the incident location, Ramirez Drywall did no excavation and Mr. Ramirez would contact Mr. Rodriguez and have him call.

The Jefferson Co. PVA web's site lists the owner of the incident location as Maria Rodriguez.

Copy of the PVA's web is include as Attachment 3.

On 11/04/20 811, Carly Dunsmore, stated that from 11/01/19 thru 03/01/20 one Locate Ticket (LT) was obtained by Maria Rodriguez, installing a fence, indicating the ticket was obtained approximately one hour after the damage occurred which is outlined as:

LT Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2001280880	Yes	01/28/20 12:56	Obtained 1hr. after damage	01/28/20 11:57	N/A	Yes

The Locate Ticket(s) is/are include as Attachment 4.

On 11/05/20 Mr. Jones stated that LG&E has no other contact informant for the Rodriguezs. Mr. Jones provided

LG&E's Digtix Facts-Based Investigation report with photographs. The Damage Report (See Attachment 1) outlines the Digtix report and the photographs indicate the damage occurred approximately 18 inches deep.

Digtix Facts-Based Investigation is include as Attachment 5.

On 11/09/20, via email, Mr. Jones stated that the yellow markings in the Digtix report photographs were placed after the damage, in response to LT...0880 and a ticket called in by LG&E to make the repairs.

Mr. Jones's email is include as Attachment 6.

On 12/02/20 Administrative Specialist Ashley Roads provided the following contact information for Maria Rodriguez, the main contact for Rodriguez Drywall:

Phone Number for Both addresses 502-994-5439, Rodriguez Drywall, 5614 Briscoe Ridge Ln., Louisville, KY 40219 or Rodriguez Drywall, 6619 E. Manslick Rd., Louisville, KY 40228.

Note: The KY Secretary of State web site lists Rodriguez Drywall at 5614 Briscoe Ridge Lane, Louisville, KY 40219, Maria A. Rodriguez as the Registered Agent / President / Director / Incorporator, status as active and standing as good. The KY Secretary of State web site lists Ramirez Drywall at 727 Heywood Ave., Louisville, KY 40208, and Israel Ramirez Hernandez as the Registered Agent / Organizer and administrative dissolution occurred on 10/08/20.

Copy of the Secretary of State web sites are include as Attachment 7.

On 12/03 & 04/20 an attempt in contacting Maria Rodriguez resulted in a message stating you have reached 502-994-5439 wherein a voice message was left.

On 12/07/20 Ms. Rodriguez stated that no call was made to 811 prior to the damage. Ms. Rodriguez was receptive to attending the Damage Prevention Course, paying the \$100.00 penalty and requested the Demand Letter be sent to 5614 Briscoe Ridge Ln., Louisville, KY 40219.

VIOLATION

KRS 367.4911

(1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 st	N/A	N/A	N/A

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 2/18/2020 Incident ID 32432

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32432\)](#)

Reported By:

Name	Mike Jones
Phone	(502) 364-8281
Email	Mike Jones@lge-KU.com

Gas Line Incident Occured:

Date	1/28/2020
Time	11:57 AM

Details:

Reported Date	2/18/2020 10:36 AM
---------------	--------------------

Incident Location Address:

Location	
Address	4816 Westside Dr
City	Louisville
State	KY
County	Jefferson
Zip	40219
Confirm Code	Y
Number of Customers out	1
Was gas or hazardous liquids contained in the underground facility?	<input type="checkbox"/>
Was gas or hazardous liquids released into the atmosphere?	<input type="checkbox"/> *
	3/2020
Locate Request Ticket No.	NA
Excavator	Home Owner

Excavator Address:

First Name	Valence
Last Name	Rodriguez
Phone	502-541-8184
Email	
Address	4816 Westside Dr
City	Louisville

State	KY
Zip	40219
Confirm Code	Y
Excavation Damage	No notification made to the One Call Center

Description of Incident ?Excavator damaged unmarked service.

Summary Information

2/18/2020

Full details such as the cause	Maria Rodriguez, homeowner, called in a locate request after the damage. Maria had left prior to my arrival, but I spoke to Mr. Rodriguez , her husband, about the damage. He said he was installing a silt fence and drove the fence stake into the service.
Extent of the damage	1/2" plastic service
Cost of the damage	\$1,012.00
Steps taken to prevent re-occurrence	Gave Mr. Rodriguez a Know Whats Below Brochure in Spanish, advised him of the Dig Law, and PSC involvement.
Amount billed to excavator	\$0.00

Attachment 2





Attachment 3

JEFFERSON COUNTY PVA

4816 WESTSIDE DR

Owner	RODRIGUEZ MARIA
Parcel ID	062300520000
Assessed Value	77,000
Acres	0.3692
Neighborhood	601108 / MCALISTER'S PRESTON ST RD

to get more detailed property information.

Property is assessed per KRS 132.20 on January 1st of each year. The current year assessments are updated and posted on the website in mid April. Information deemed reliable but not guaranteed. Data last updated: 10/30/2020.

Built by VIA Studio

Chat

Attachment 4

Tout, Eric V (PSC)

From: Carly Dunsmore <cdunsmore@usa811.org>
Sent: Wednesday, November 4, 2020 2:57 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 32432
Attachments: 2001280880.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Good afternoon Eric,

We searched between 11/1/2019 and 3/1/2020 and only found one ticket submitted by Maria Rodriguez. The ticket is attached below. If you have any questions, please do not hesitate to contact me.

Thank you,

Carly Dunsmore
Member Services
P: 833-538-0923
F: 317-386-7820



On Wed, Nov 4, 2020 at 12:14 PM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket for:

Incident Date: 1/28/2020

Operator: LG&E

Incident Location: 4816 Westside Dr. Louisville 40219

County: Jefferson

Excavator: Valence or Maria Rodriguez

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

NORMAL NOTICE

Ticket : 2001280880 Date: 01/28/2020 Time: 12:56 Oper: LJOHNSON Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address : 4816

Street : WESTSIDE DR

Cross 1 : VINEWOOD RD

Location: LOCATE RIGHT SIDE OF THE PROPERTY WHEN STANDING ON THE ROAD FACING THE
PROPERTY

:

Boundary: n 38.167852 s 38.165168 w -85.707846 e -85.704804

Work type : INSTALLING A FENCE

Done for : MARIA RODRIGUEZ

Start date: 01/30/2020 Time: 13:15 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: UNKNOWN

Company : MARIA RODRIGUEZ Type: CONT

Co addr : 4816 WESTSIDE DR

City : LOUISVILLE State: KY Zip: 40219

Caller : MARIA RODRIGUEZ Phone: (502)541-8184

Contact : MARIA RODRIGUEZ-CELL Phone:

Mobile : (502)541-8184

Submitted date: 01/28/2020 Time: 12:56

Members: 0002 0004 0006 0007 0139

Attachment 5



Facts-Based Investigation

Internal Claim #: INC-20200128-002 Customer Claim #: _____

Site Investigator: Tracy Reesor Date Notified: 01/28/20 14:04:00

Notified By: (Name & #) Gas Operations Dispatch 5025891444

Damage Location: 4816 Westside Dr Louisville KY 40219

Date of damage: 01/28/20 12:30:00

Original Ticket #: None found Locator: _____

Due Date: _____ Date Located: _____

Photos taken before damage? N

Photos taken of damage site? Y

Type and size of damaged utility: Service/Drop 0.5

Depth: 18" to < 36" (0.5 to < 1m)

Description and extent of damage: Occupant installing silt fence along right property line damaged unmarked .5" customer gas service. Service was 18-20" deep but hole was full of water and the actual damage to service not visible.

Equipment used: _____

Damaging Company Name: _____

Company Address: _____

Telephone #: _____ Contact name: _____

Working for: _____

Contractor assisting in the repair of damaged facility: _____

Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Explain: _____

Was Locate requested?: N Facilities located?: N

Locate accurate (Within tolerance zone)?: N/A If No, Distance markings off?: N/A

Were marks visible at time of damage: N

Were damaged facilities within scope of ticket?: N



Facts-Based Investigation

Name of util. Mgr/Rpr Tech on site: _____ Tel. #: _____

Comments: _____

Witness: _____ Tel. #: _____

Comments: _____

Witness: _____ Tel. #: _____

Comments: _____

Investigator Findings: _____

Name the responsible party: Mr. Rodriguez

Give reasons why this party is responsible: Maria Rodriguez, homeowner, called in a locate request after the damage. Maria had left prior to my arrival but I spoke to Mr. Rodriguez , her husband, about the damage. He said he was installing a silt fence and drove the fence stake into the service.

Date of Investigation: 01/28/20 Total Investigation Time (Hours): _____

Site Investigator's Name: Tracy Reesor Phone: _____

Site Investigator's Signature: Tracy Reesor Date: 01/30/2020

(OFFICE USE ONLY)

DOCUMENTS ENCLOSED

Other: _____ Other: _____

Damage Status: One Call Notification Issue Cause Code: No notification made to One-Call Center / 811

Damage Claims Manager: _____





Attachment 6

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Monday, November 9, 2020 9:30 AM
To: Tout, Eric V (PSC)
Subject: RE: 32432,1/28/2020 , 4816 Westside Dr., Louisville, Rodriguez, Valence

That is correct. There were two locate requests made after the fact – about an hour after the damage occurred. 1 by the homeowner and 1 by LG&E for the sake of repairs.

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Friday, November 06, 2020 9:24 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: RE: 32432,1/28/2020 , 4816 Westside Dr., Louisville, Rodriguez, Valence

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Mike,

The photos show markings and the PSC Damage Report indicates no markings. The markings appear to be placed after the damage just need confirmation.

Thanks,
Eric

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Thursday, November 5, 2020 1:08 PM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Subject: RE: 32432,1/28/2020 , 4816 Westside Dr., Louisville, Rodriguez, Valence

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

This is what we have.

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, November 05, 2020 10:57 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 32432,1/28/2020 , 4816 Westside Dr., Louisville, Rodriguez, Valence

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Mike,

Contacted 502-541-8184, Valence Rodriguez, and the person answering the phone Juan Ramirez of Ramirez Drywall stated he knew Mr. Rodriguez. Mr. Ramirez stated that Ramirez Drywall worked at the indent location, doing no excavation. Mr. Ramirez stated that, on occasion, Mr. Rodriguez worked for him. Mr. Ramirez stated that he would contact Mr. Rodriguez and have him contact me. Not sure that will happen and with that said do you have another number for Valence or Maria Rodriguez? Also send me what you have on this one, reports and photos.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*

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Attachment 7

RODRIGUEZ DRYWALL, INC.

General Information

Organization Number	0805251
Name	RODRIGUEZ DRYWALL, INC.
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	11/9/2011
Organization Date	11/9/2011
Last Annual Report	3/10/2020
Principal Office	5614 BRISCOE RIDGE LANE LOUISVILLE, KY 40219
Registered Agent	MARIA A. RODRIGUEZ 5614 BRISCOE RIDGE LANE LOUISVILLE, KY 40219
Authorized Shares	1000

Current Officers

President	Maria A Rodriguez
Director	Maria A Rodriguez

Individuals / Entities listed at time of formation

Incorporator	MARIA A RODRIGUEZ
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Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	3/10/2020	1 page	tiff	PDF
Annual Report	5/21/2019	1 page	tiff	PDF
Annual Report	5/30/2018	1 page	tiff	PDF
Reinstatement Certificate of Existence	11/1/2017 11:21:20 AM	2 pages	PDF	
Reinstatement	11/1/2017 11:21:14 AM	3 pages	PDF	
Administrative Dissolution	10/9/2017	1 page	PDF	
Annual Report	8/8/2016	1 page	tiff	PDF
Annual Report	4/24/2015	1 page	tiff	PDF
Annual Report	2/19/2014	1 page	PDF	
Annual Report	2/6/2013	1 page	PDF	
Annual Report	7/19/2012	1 page	PDF	
Articles of Incorporation	11/9/2011	1 page	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	3/10/2020 3:30:20 PM	3/10/2020	
Annual report	5/21/2019 3:49:48 PM	5/21/2019	

Annual report	5/30/2018 12:45:30 PM	5/30/2018
Reinstatement	11/1/2017 11:21:18 AM	11/1/2017
Admin Dis. A. report not in	10/9/2017	10/9/2017
Annual report	8/8/2016 1:48:30 PM	8/8/2016
Annual report	4/24/2015 3:14:20 PM	4/24/2015
Annual report	2/19/2014 11:34:18 AM	2/19/2014 11:34:18 AM
Annual report	2/6/2013 11:37:32 AM	2/6/2013 11:37:32 AM
Annual report	7/19/2012 2:27:51 PM	7/19/2012 2:27:51 PM
Add	11/9/2011 1:18:16 PM	11/9/2011

Microfilmed Images

RAMIREZ DRYWALL LLC

General Information

Organization Number	1056605
Name	RAMIREZ DRYWALL LLC
Profit or Non-Profit	P - Profit
Company Type	KLC - Kentucky Limited Liability Company
Status	I - Inactive
Standing	B - Bad
State	KY
File Date	4/25/2019
Organization Date	4/25/2019
Last Annual Report	N/A
Principal Office	727 HEYWOOD AVE LOUISVILLE, KY 40208
Managed By	Members
Registered Agent	ISRAEL RAMIREZ HERNANDEZ 727 HEYWOOD AVE LOUISVILLE, KY 40208

Current Officers

Individuals / Entities listed at time of formation

Organizer	ISRAEL RAMIREZ HERNANDEZ
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Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Administrative Dissolution	10/8/2020	1 page	PDF	
Articles of Organization (LLC)	4/25/2019	1 page	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Admin Dis. A. report not in	10/8/2020	10/8/2020	
Add	4/25/2019 9:37:02 AM	4/25/2019	

Microfilmed Images

Maria Rodriguez
5614 Briscoe Ridge Ln.
Louisville, KENTUCKY 40219